

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WALGREEN CO.,)	
)	
Plaintiff,)	
)	Civil Action No. 1:21-cv-02522
v.)	
)	Judge M. David Weisman.
AARON PETERS ET AL.)	
)	
Defendants.)	

JOINT STATUS UPDATE

Plaintiff Walgreen Co. (“Walgreens”) and Defendants file this Joint Status Update pursuant to the Court’s March 7, 2023 Order. (Dkt. 338).

1. The Court’s ruling on the motions to dismiss is still pending at this time, and no new discovery requests have been propounded, as the stay of further discovery remains in place since October 13, 2022.

2. Since the Parties’ last status update to the Court, Walgreens, Peters, and L2 Partners (“L2”) have communicated regarding Walgreens’ expert’s ongoing forensic review of the Aaron Peters L2-owned laptop.

3. Walgreens’ counsel requested permission from Peters and L2 to have its expert review specific laptop folders on September 20, 2022. The Parties reached a resolution as to each of those laptop folders except for one, named “free space” (the “Remaining Folder”).

4. Peters and L2 have completed their review of the Remaining Folder.

5. Peters and L2 have provided Walgreens with sector identifiers that will allow Walgreens to know which limited sectors of the “free space” are subject to designations for withholding pursuant to privilege, confidentiality, or otherwise.

6. However, Peters' and L2's experts are concerned that the file names possessed by Walgreens' expert may not match the file names given by Peters' and L2's expert for the files subject to confidentiality and/or privilege designations.

7. The Parties are therefore conferring regarding the best manner to resolve this technical issue with the assistance of their experts, including the possibility of having the experts confer directly with the supervision of counsel.

8. Walgreens' counsel has also requested permission to have its expert review an email cache on the laptop for emails sent prior to Aaron Peters' departure from Walgreens. Walgreens requested such permission on January 31, 2023. Peters' counsel indicated that they would confer with their expert and provide a response to Walgreens on or before March 3, 2023. As of the last Joint Status Update (Dkt. 337), Peters' counsel indicated that they were still conferring with the expert and L2 to ensure that no L2 confidential material is contained in the referenced cache.

9. On March 17, 2023, Peters' counsel informed Walgreens that while emails were located within the email cache for the relevant time period, there were also many emails from outside that time frame. Peters' expert has concerns that separating part of the email cache, including the emails within the relevant time frame, from the remainder of the cache may not be possible.

10. Walgreens has therefore agreed to production of the individual emails dated between 11/28/19 and 12/6/19 in their native format without production of the email cache itself. Peters' counsel is conferring with their expert to determine a timeline for that production.

Dated: March 20, 2023

Respectfully submitted,

PLAINTIFF WALGREEN CO.

/s/ David M. Pernini

Joseph D. Wargo, admitted *pro hac vice*
David M. Pernini, admitted *pro hac vice*
WARGO, FRENCH & SINGER LLP
999 Peachtree Street, NE
Suite 1120
Atlanta, Georgia 30308
Telephone: (404) 853-1575
Facsimile: (404) 853-1501

Victor P. Henderson
Christopher W. Carmichael
HENDERSON PARKS, LLC
140 S. Dearborn St., Suite 1020
Chicago, Illinois 60603
Tel: (312) 262-2900
Fax: (312) 262-2901
Counsel for Plaintiff Walgreen Co.